IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL MISC. PETITION NO. 1119/2006
(Kala Singh Vs. State of Rajasthan)

Date of Order : 14/09/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Devendra Singh Dev for the petitioner.
Mr. Ashok Upadhyay, P.P.

BY THE COURT:-

Issue notice for final disposal. Mr. Ashok Upadhyay, public prosecutor accepts the notice.

With the consent of learned counsel for the parties, the petition itself is heard and decided at the admission state.

By the instant petition under Section 482 Cr.P.C., the petitioner seeks extension of time for furnishing personal and surety bonds as directed by the by Additional Sessions Judge, Anupgarh, district Sri Ganganagar (for short 'the appellate court' hereinafter) vide order dated 30.6.2006. in Criminal Appeal No. 122/2003 filed by the petitioner against the judgment and order dated 10.10.2003 passed by Judicial Magistrate, Anupgarh (for short 'the trial court' hereinafter).

By judgment and order dated 10.10.2003, the petitioner was convicted by the trial court for the offences under Sections 457 and 380 IPC and sentenced him to undergo two years' rigorous imprisonment with fine of Rs.500/-, in default of payment of fine further to undergo six months imprisonment. Against the judgment and order of the trial court dated 10.10.2003, the petitioner filed an appeal before the appellate court. The appellate court vide judgment and order dated 30.6.2006 partly allowed the appeal and while maintaining the conviction of the petitioner, instead of sentencing him at once to any imprisonment ordered to release him on probation provided the petitioner furnishes a personal bond in the sum of Rs. 20,000/- with two sureties of Rs. 10,000/- each within one month from the date of judgment.

Learned counsel for the petitioner submits that in compliance of the order of the appellate court, due to illness, the petitioner could not furnish the personal and surety bonds within the period as directed by the appellate court and therefore submits that in the interest of justice, the time period for furnishing the personal and surety bonds may be extended for a period of fifteen days from today.

Having regard to the facts and circumstances of the

case, in the interest of justice, in my view the period of one month granted by the appellate court for furnishing the personal and surety bonds deserves to be extended for a further period of fifteen days from today.

Consequently, the criminal miscellaneous petition is allowed and it is directed that petitioner Kala Singh S/o Darshan Singh may now furnish the personal and surety bonds, as directed by Additional Sessions Judge, Anupgarh, district Sriganganagar vide judgment and order dated 30.6.2006 in Criminal Appeal No. 122/2003, within fifteen days from today. In case the required bonds are not furnished within fifteen days time so granted, the trial court will be free to proceed against the petitioner in accordance with law.

(H.R.PANWAR),J.

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